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**IN THE SUPREME COURT  
STATE OF ARIZONA**

In the Matter of	)	
	)	Arizona Supreme Court No. R-15-____
	)	
ARIZONA RULE OF	)	
FAMILY LAW PROCEDURE 2(B)(2)	)	
	)	PETITION TO AMEND ARIZONA
	)	RULE OF FAMILY LAW
	)	PROCEDURE 2(B)(2)
	)	
_____	)	

**PETITION TO AMEND ARIZONA RULE OF FAMILY LAW  
PROCEDURE 2(B)(2)**

Pursuant to Rule 28, Rules of the Supreme Court, the Advisory Committee on Rules of Evidence, by and through its Co-Chairs, Mark W. Armstrong and Samuel

A. Thumma, petition the Court to amend Arizona Rule of Family Law Procedure 2(B)(2), as reflected in the attachment hereto, effective January 1, 2016.

## **I. INTRODUCTION AND BACKGROUND**

Arizona Supreme Court Administrative Order No. 2012-43 established the Advisory Committee on Rules of Evidence with the following purpose:

The Committee shall periodically conduct a review and analysis of the *Arizona Rules of Evidence*, review all proposals to amend the *Arizona Rules of Evidence*, compare the rules to the *Federal Rules of Evidence*, recommend revisions and additional rules as the Committee deems appropriate, entertain comments concerning the rules, and provide reports to this Court, as appropriate.

Arizona Supreme Court Administrative Order 2012-43, dated June 11, 2012. The Advisory Committee has met regularly since September 28, 2012.

At its regular meeting of December 12, 2014, the Advisory Committee unanimously recommended that Arizona Rule of Family Law Procedure 2(B)(2) be restyled to be as consistent as possible with restyled Arizona Rule of Evidence 403, upon which it is partially based. This proposal has been presented to the State Bar of Arizona Family Practice and Procedure Committee, of which petitioner Armstrong is a member, and the committee had no objection to the proposal.

## **CONCLUSION**

Petitioners respectfully request that the Court consider this petition and proposed rule change at its earliest convenience. Petitioners additionally request that

the petition be circulated for public comment until May 20, 2015, and that the Court adopt the proposed rule as it currently appears, or as modified in light of comments received from the public, with an effective date of January 1, 2016.

DATED this 5th day of January 2015.

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Mark W. Armstrong  
Co-Chair, Advisory Committee on Rules of Evidence

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Samuel A. Thumma  
Co-Chair, Advisory Committee on Rules of Evidence

## ATTACHMENT<sup>1</sup>

### Arizona Rules of Family Law Procedure

#### ARTICLE I. GENERAL ADMINISTRATION

##### Rule 2. Applicability of Other Rules

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##### **B. *Applicability of Arizona Rules of Evidence***

2. If no such notice is filed, ~~all~~ relevant evidence is admissible, provided, however, that the court must ~~shall~~ exclude evidence if its probative value is outweighed by a the danger of one or more of the following: unfair prejudice, confusing ~~confusion of~~ the issues, ~~or by~~ ~~considerations of~~ undue delay, wasting ~~waste of~~ time, needlessly presenting ~~needless presentation of~~ cumulative evidence, lack of reliability or failure to adequately and timely disclose same. This admissibility standard ~~shall replace~~ Rules 403, 602, 801-06, 901-03 and 1002-1005, Arizona Rules of Evidence, except as provided in subdivision 2(B)(3). All remaining provisions of the *Arizona Rules of Evidence* apply.

#### **Comment to 2016 Amendment**

The language of Rule 2(B)(2) has been amended to conform to the restyling of the Arizona Rules of Evidence effective January 1, 2012 to make them more easily understood and to make style and terminology consistent throughout the rules. These changes are intended to be stylistic only. There is no intent to change any result in any ruling on evidence admissibility.

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<sup>1</sup> Changes or additions in rule text are indicated by underscoring and deletions from text are indicated by ~~strikeouts~~.